

**Comparison of Sunshine Reform Ordinances  
July 2006**

Accuracy of Information: This matrix is provided for general informational purposes only. City of San Jose staff used reasonable efforts to ensure the accuracy of the information provided herein; but cannot and does not warrant or guarantee the accuracy, adequacy or completeness of the information. This matrix is based on staff's review of the sunshine ordinances of the named cities and on information provided by individuals employed by the respective cities.

	REFORM MEASURE	San Francisco	Oakland	Milpitas
<b>Public Information Reforms</b>				
1	Establish a single City of San Jose Master On-Line Calendar where all city activities, events, and meetings of committees, boards, commissions, and advisory bodies are posted.	No on-line Master Calendar. On-line "City Calendar and Events calendar" which lists City programs. Calendars are not linked.	No on-line Master Calendar. On-line "events calendar" that includes links to events occurring within the City. Council, Redevelopment, and Committee meeting calendar listed separately.	No on-line Master Calendar. City "Events Calendar" lists Council, committee, neighborhood association, and school district meetings.
2	A detailed accounting on all City contracts and expenditures of \$1 million or more shall be made available to the City Council and public, on-line, no later than 2 weeks prior to being heard. Otherwise, a 2/3 majority vote shall be required to hear an item that was received less than 2 weeks prior to hearing.	Not addressed in Sunshine/Open Government Ordinance.	Not addressed in Sunshine/Open Government Ordinance.	Not addressed in Sunshine/Open Government Ordinance.
3	Disclose statistical information on complaints received through Fraud and Audit Hotline, excluding names and any other confidential information. This information should be reported to the Council	Fraud and audit complaints sent to the Sunshine Task Force. Supervisor of public records prepares a tally and report to the Sunshine Task Force.	Public Ethics Commission reports on any practical or policy problems in the administration of the Ordinance.	Open Government Commission reports annually to Council on practical and policy problems.
4	Require Councilmember and appointee Fair Political Practices Form 700 filings (with personal contact information redacted) and Conflict of Interest declarations to be posted and indexed online, including all conflicts outside of the City of San Jose's jurisdiction.	Councilmembers and appointees file Form 700 with Ethics Commission. On-line filing assistance; however, completed forms not posted on-line.	Form 700 available on-line. No requirement for posting completed forms on-line.	Issue not addressed in Sunshine/Open Government Ordinance and information not posted on-line.
5	Any Councilmember claiming a conflict of interest on a vote must publicly disclose the basis of the claim by filing a conflict of interest declaration with the City Attorney and City Clerk 24 hours prior to start of the meeting at which the item will be heard.	Not addressed in Sunshine/Open Government Ordinance.	Not addressed in Sunshine/Open Government Ordinance.	Not addressed in Sunshine/Open Government Ordinance.

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6	Disclose the calendars of the Mayor and Councilmembers quarterly (personal information redacted).	Mayor, City Attorney, and each Department Head maintain calendars that includes a general statement of issues discussed. Available to requester three business days subsequent to the calendar entry date.	Not addressed in Sunshine/Open Government Ordinance. Mayor's calendar posted on-line, however, calendar for councilmembers are not.	Mayor, City Council, City Manager and Planning Commission submit the updated calendar forms for the prior month to City Clerk during the first week of every month, and schedules shall be a public record subject to inspection at City Clerk's office and available in electronic format on the City's website.
7	Establish criteria that can be used by Rules Committee to determine if an item is of "significant public interest" and requires additional notification or public outreach consistent with definitions and procedures outlined in City Council Policy 6-30 "Public Outreach Policy for Pending Land Use and Development Proposals".	Major policy changes are referred under a "30 day Rules Committee" where no action can be taken for 30 days, unless approved by the President of the Board.	Not addressed in Sunshine/Open Government Ordinance.	Not addressed in Sunshine/Open Government Ordinance.
8	Post City Council Policy Manual on-line.	Council policies published through individual departmental web pages.	Council policies posted on webpage and accessed through a search of "City Council Policy".	Council policies not addressed in Sunshine/Open Government Ordinance and not located on website.
<b>NEIGHBORHOOD PARTICIPATION REFORMS</b>				
9	Provide an annual city-wide budget briefing followed by 4 budget hearings throughout San Jose, in order to encourage greater community contribution to established City priorities. Appropriate consideration shall be made to ensure that meetings are accessible to the residents of San Jose in relation to the time, date, and location of the hearings.	Not addressed in Sunshine/Open Government Ordinance.	Not addressed in Sunshine/Open Government Ordinance.	Not addressed in Sunshine/Open Government Ordinance.
10	Require the City Council and Redevelopment Agency to hold Public Priority Setting Hearings in the beginning of odd years to coincide with City Councilmember appointments to standing committees.	Not addressed in Sunshine/Open Government Ordinance.	Not addressed in Sunshine/Open Government Ordinance.	Not addressed in Sunshine/Open Government Ordinance.
11	Require notification to City Commissioners when items originating in the commission are being heard by the Council.	Not addressed in Sunshine/Open Government Ordinance.	Not addressed in Sunshine/Open Government Ordinance.	Not addressed in Sunshine/Open Government Ordinance.

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12	Expand speaking time from 2 minutes to 4 minutes for "Neighborhood Group" or Community Association Designees (City Council Policy 6-30) or those subject to an eminent domain action, clarify the speaking time allowed to a representative from an advisory commission and create a strategy to address recently identified challenges to public participation for those with disabilities.	Each policy body adopts a rule limiting the total amount of time allocated for public testimony on a particular issue for up to 3 minutes. Time limits applied uniformly to members of the public wishing to testify.	Minimum of 2 minutes per speaker for each agenda item, subject to the discretion of the presiding officer. Reasonable time limit uniformly applied.	Maximum of 3 minutes per agenda item. Chair has discretion to reduce speaking time where large number of speakers which to speak on particular item.
<b>GOVERNMENT ACCOUNTABILITY REFORMS</b>				
13	City Manager and Department staff reports for expenditures of \$1 million or more and "Significant Public Interest" agenda items shall provide the following: (a) a new section entitled, "Policy Alternative Recommendations" that lists all the viable city staff options that have been discussed, but were not recommended by City Manager or Department staff; (b) a brief description of the reasons alternative rejected; (c) a cost-benefit analysis and economic impact report to include, but not limited to, the following: how the expenditure aligns with and affects the City's policy goals, fiscal priorities, long-term strategy, and economic development goals and priorities.	Not addressed in Sunshine/Open Government Ordinance. Difficult to obtain staff reports on-line.	Not addressed in Sunshine/Open Government Ordinance. Difficult to obtain staff reports on-line.	Not addressed in Sunshine/Open Government Ordinance. On-line agenda item includes brief staff report, which describes background and recommendations.
14	Require every staff memo to have a City staff contact for public questions			
<b>REFORMS REFERRED TO TASK FORCE</b>				
<b>PUBLIC INFORMATION REFORMS</b>				
1	Require a detailed line-item budget posted on-line and provided to Council as part of budget deliberations	Not addressed in Sunshine/Open Government Ordinance.	Not addressed in Sunshine/Open Government Ordinance.	Not addressed in Sunshine/Open Government Ordinance.

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2	All City Council agenda items and relevant materials (items submitted as part of the public record) shall be posted on On-line Master Calendar and indexed by 5:00pm on the Thursday prior to Council meeting at which the items will be heard. Councilmember to make every effort to provide the Council and public with memoranda they generate by 5pm on the Monday prior to the hearing.	Brown Act requirements.	A copy of the agenda and all related material shall be filed with the City Clerk and the Main Library no later than 10 days before the date of the meeting. Includes on-line posting.	Agendas and related materials on file with the clerk of the policy body shall be made available to the public for inspection and copying before the hearing. To the extent possible, documents shall also be made available through the policy body's internet website.
3	Documents subject to a public records request and made available to any member of the public should be made available to the general public by posting on City's website in the responsible department public records web page and indexed in a user-friendly way so that a search of the city website will find the public documents. If posting is administratively burdensome, instructions should be posted on-line for any member of the public interested in getting the information directly from City Clerk's Office.	Documents provided in response to public records requests were not found on City's website.	Documents provided in response to public records requests were not found on City's website.	Documents provided in response to public records requests were not found on City's website.
4	All California Public Records Act (CPRA) and Freedom of Information Act (FOIA) requests shall be posted and indexed on City website within 72 hours of receipt. Responses shall be posted within 30 days of release. If posting is administratively burdensome, instructions should be posted on-line that information can be obtained directly from City Clerk.	Ordinance does not reference posting public records request on web-site.	Ordinance does not reference posting public records request on website.	Ordinance does not reference posting public records request on website.

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5	To the extent that an RFO has a land use component, there should be community representation on the review panel. Community representatives would be appointed by the City Council. Recently, the City established the RFP integrity guidelines in an effort to strengthen the credibility of the City's RFP review process. Staff should explore other options for expanding neighborhood participation and ensuring transparency in this process.	Not addressed in Sunshine/Open Government Ordinance.	Not addressed in Sunshine/Open Government Ordinance.	Not addressed in Sunshine/Open Government Ordinance.
<b>GOVERNMENT ACCOUNTABILITY REFORMS</b>				
6	The administration shall put forth a model of third-party/independent review, such as an Office of Management Budget (OMB) or Legislative Affairs Office (LAO) for Council items of "Significant Public Interest" in order to gain benefit of comprehensive policy analysis.	Budget Analyst Office reviews items for fiscal impact (these services are contracted out). Controller's Office reviews items of major economic impact.	No third party review.	No third party review.
7	Research and report cost of instituting or acquiring a City Service Accountability Model, such as CitiState in Baltimore, MD, in time for FY 06-07 budget discussion. Special attention should be paid to San Jose's diversity and multiple language requirements, in order to make the information available and understandable to the greatest number of residents. (Council Policy 6-30 Public Outreach for definitions and procedures.)	Not addressed in Sunshine/Open Government Ordinance.	Not addressed in Sunshine/Open Government Ordinance.	Not addressed in Sunshine/Open Government Ordinance.
8	City Council and committee minutes must more accurately reflect meeting discussions, and public meeting videos should be available immediately following the meeting on the City website and for off-site meetings or technical reasons not later than 3 days after the meeting.	Generic minutes of Council meetings posted on-line; Committee meeting minutes appear to be more detailed. The Board of Supervisors meetings are televised live on SFGTV cable Channel 26 in San Francisco. Currently all meetings of the Supervisors are televised live Monday to Thursday and taped for delayed, same-day playback and playback the next morning, and repeated on the weekend.	Council, Council Committee, Redevelopment and Arts, Planning and Ethics Commission meetings broadcast on local cable channel. Copies available upon request. No web cast recording.	Council and Planning Commission meetings web cast and indexed.

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9	Consider guidelines to determine under what circumstances City Council closed session information should be made public following closed session meetings.	The local body in its discretion and in the public interest may publicly disclose any part of its discussion that is not confidential under applicable law or non-waivable privilege. The body shall vote in open session to disclose no information or disclose information that a majority deems to be in the public interest.	The local body shall disclose publicly all portions of discussion which are not confidential. May vote to disclose other information deemed to be in the public interest.	The local body in its discretion and in the public interest may publicly disclose any part of its discussion that is not confidential under applicable law or non-waivable privilege. The body shall vote in open session to disclose no information or disclose information that a majority deems to be in the public interest.